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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,505	08/05/2003	Chin-Lai Lin	BHT-3223-32	5210

7590 04/21/2005  
TROXELL LAW OFFICE PLLC  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/633,505	LIN ET AL.	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 5, line 11, "casing (10)" should be changed to –casing (40)--.
2. The disclosure is objected to because of the following informalities: on page 5, line 26, "sued" should be changed to –used--.
3. The disclosure is objected to because of the following informalities: on page 5, line 29, "press" should be changed to –push--.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1, 2 and 4 are objected to because of the following informalities: \*\*\*
5. In claim 1, line 6, "for the boot" should be changed to –of the boot--.
6. In claim 1, line 11, "to the casing" should be changed to –on the casing--.
7. In claim 1, line 11, "at where" should be deleted.
8. In claim 1, line 37, "once the push button being pressed" should be changed to –when the push button has been pushed--.
9. In claim 2, line 2, "at where" should be deleted.
10. In claim 4, line 2, "press" should be changed to –push--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
12. Claim 1 recites the limitation "the primary mechanical structure" in line 6. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 1 recites the limitation "the retractable mechanism" in line 7. There is insufficient antecedent basis for this limitation in the claim.
14. In claim 1, lines 41-46 recites "for an active shift between having the bracket to face in the direction of the sole of the boot with the base plate or the wheel set before the bracket being pushed into the casing for the retainer and the positioning part of the bracket to be mutually restricted thus to fix both of the bracket and the casing in position," which is confusing and renders the claim indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Chu (US Patent 6,450,508).

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Chu teaches a wheel retractable mechanism for roller skate, provided to each of multiple wheel sets, as shown in Figure 2, provided under a sole of each boot (1) including: a casing (3a, 3b), fixed in an accommodation chamber provided in the sole of the boot (1) for the wheel set being related to a primary mechanical structure of the boot (1), coupled to a retractable mechanism, and an opening to permit retraction by the wheel set being provided to the casing (3a, 3b) in relation to the sole of the boot (1); a bracket (note mounting members for rollers 4) related to a structure to be inserted into the casing (3a, 3b) being provided with a base plate to be inserted into the opening of the casing (3a, 3b), both sides of the base plate being each provided with a side panel capable of receiving an axle for the wheel set, a screw acting as a pivot (41) being each provided externally to both side panels and a positioning part being each provided on both sides of the pivot; two slide tracks (36) penetrating through an inner wall where the interior of the casing (3a, 3b) meets the pivots of the bracket respectively having their bottoms provided each with a limiting groove (361), each limiting groove (361) being pivoted to the pivot of the bracket to constitute a coupling between the bracket and the casing (3a, 3b) while allowing the bracket to fully extend out of the casing (3a, 3b), as shown in Figure 10, on the slide track (36), and a stop (clearly shown as a hook at the upper end of slide track (36) in Figure 3) being provided to prevent the slide tracks (36) from sliding out of the casing (3a, 3b); a retainer (33) being provided on the wall of the casing in relation to the positioning part of the bracket to restrict mutually with the positioning part of the bracket for fixing the relative locations between the bracket and the casing; and a push button (31) coupled to the retainer (33), via pivoting element

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(32), to release the bracket from the retainer (33) once the push button (31) has been pressed; such that: the wheel retractable mechanism allows the bracket to be easily pulled out of the casing (3a, 3b) by pressing the push button (31) for an active shift between having the bracket to face in the direction of the sole of the boot (1) or opposite the direction of the sole of the boot (1) with the base plate or the wheel set, before the bracket is pushed into the casing (3a, 3b) for the retainer and the positioning part of the bracket to be mutually restricted thus to fix both of the bracket and the casing (3a, 3b) in position, where the wheel set is either concealed or exposed depending on the use status. A coil is provided between the slide tracks (36) and the casing (3a, 3b) to eject the bracket out of the casing (3a, 3b) once the bracket is released from restriction by the retainer (33) once the push button (31) is pressed. The press button (31) is coupled to the retainer (33) by means of a linkage defined by cap (34). The press button (31) being coupled to the retainer (33) by means of a linkage defined by cap (34) is provided with a coil (35) to push the retainer (33) towards the positioning part of the bracket. The positioning part relates to a positioning hole (42, 43) and the retainer relates to a pin (locating pin 33). Multiple positioning parts (42, 43) are respectively provided on both sides of a pivot (41) of the bracket to regulate the location of the bracket in the casing (3a, 3b). Both side panels of the bracket are made in a pattern to match that of the sole of the boot (1), as clearly shown in Figures 4, 10 and 12.

### ***Conclusion***

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16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Esse ya shows in-line pivoting wheel roller skates with shock absorbers.

Adams shows a heeling apparatus and method.

Adams shows another heeling apparatus and method.

Chu shows a multifunctional shoe.

Chang shows a wheel assembly for roller skate.

Chu shows a roller skate with receivable wheel design.

Hsu shows a dual-purpose roller skate.

Chang shows a wheel assembly for a roller skate.

Wu shows an inline skate with detachable roller device.

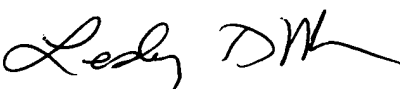
Yoham shows an in-line skate with collapsible wheel assembly.

Weitzner shows a retractable roller and ice skates for shoes.

17. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.

  
Avery

April 18, 2005

  
**LESLEY D. MORRIS**  
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